

- (1) I feel that enough was not paid or you are not getting what you paid for in this EIS/EIR
G478-1 because it glosses over important information which is necessary to evaluate this project.
- (2) But first I need to know how long has BHPBILLITON been in the LNG business, do they
G478-2 own gas fields, Trains to convert the gas, LNG tankers and receiving facilities? The two
,BHP & BILLITON, merged about Three or four years ago.
- (3) I feel the public needs to know the applicants history of union busting, environmental
G478-3 damage and human rights violations, before allowing our health and safety to be placed in
their hands. I question their ability to follow laws or skirt them(exhibit :A)
- (4) There's talk about stable gas supply. Natural Gas use in Australia is relatively small but it
G478-4 has been growing rapidly in recent years, their electric generating is approximately 84%
thermal (mostly coal) they will need their gas when they become more caring about the
G478-5 environment or is it, they can get more money shipping it here ?(Exhibit:B)
- (5) Environmental Justice: Ventura County is a Community, not a number of censes tracts.
- (6) Pipe line safety, recent laws have been passed to tighten up the regulations but the agencies
G478-6 that enforce them have not been funded properly.(Exhibit:C)
- (7) There is no guarantee on the safety of a pipe line.Refer to study on stress corrosion cracking
G478-7 study by the DOT.(Exhibit:D)
- (8) Credibility is very important, the energy Companies that are stating this is what is needed
G478-8 has very little of that. Enron was the one on the front page but the following Companies are
under investigation by the California PUC into their gas Market Activities, Southern
California Gas Company, San Diego Gas & Electric, Southwest Gas, Pacific Gas & Electric,
and Southern California Edison and their impact on gas price spikes Experienced at the
California Border from March 2000 Though May 2001 (Exhibit:E).
- (9) According to the DWPA, Federal law (33 U.S. code 1510 et seq.) defines a DWP as any
G478-9 fixed or floating manmade structure, other than a vessel, or any group of such structures, is
this a vessel?

William L. Terry
250 E. Pleasant Valley Rd. #47
Oxnard, Ca. 93033
805-488-0422

Source:
Public Meeting - Oxnard PM

Date: 11/30/2004

G478-1

Your statement is included in the public record and will be taken into account by decision-makers when they consider the proposed Project.

G478-2

Section 1.1 contains information on the purpose and scope of the EIS/EIR. Section 1.1.1 contains information on the Deepwater Port Act, including the determinations that MARAD must make in approving, approving with conditions, or denying the license.

G478-3

Thank you for the information. The Applicant is required to adhere to all applicable Federal, State, and local laws, regulations, and permit requirements in the execution of all phases of the Project. Section 4.2.6 states, "The environmental and occupational safety record for the Applicant's worldwide operations, including, for example, mining ventures overseas, was not considered in evaluating potential public safety concerns associated with this Project because such operations are not directly comparable to the processes in the proposed Project." The conclusions in the EIS/EIR are based on the analyses of potential environmental impacts of the proposed Project and the implementation assumptions stated in Section 4.1.7. However, the Applicant's safety and environmental record will be taken into account by decision-makers when they consider the proposed Project.

G478-4

Thank you for the information.

G478-5

Sections 4.19.1 and 4.19.4 contain information on potential Project impacts on minority and low-income communities and mitigation measures to address such impacts. The methodology used in Section 4.19 is consistent with the U.S. Environmental Protection Agency's environmental justice guidelines and the methodology adopted by the California State Lands Commission to implement its environmental justice policy.

G478-6

Thank you for the information. The design, construction, and operation of natural gas facilities are highly regulated; the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration and the California Public Utilities Commission's Division of Safety and Reliability have jurisdiction over pipelines. Section 4.2.8 discusses the background, regulations, impacts, and mitigation measures for natural gas

pipelines. Section 4.2.8.4 describes Project-specific valve spacing and design requirements.

G478-7

Thank you for the information. Section 4.2.8 addresses safety issues related to natural gas pipelines. Section 4.2.8.4 contains information on the estimated risk of Project pipeline incidents.

G478-8

Thank you for the information.

G478-9

Under the Deepwater Port Act, the FSRU would not be considered a vessel; it would be classified as a floating manmade structure, similar to a floating production storage and offloading unit (FPSO).

Exhibit A



MIDWEST TREATY NETWORK

[Billiton Track Records page 2](#)
[Billiton Buys Rio Algom, Billiton Background](#)
[Billiton web site http://www.billiton.com](http://www.billiton.com)
[Letters to Billiton on the Crandon mine](#)
[Billiton board members](#)
[Bidding War for Rio Algom](#)
[Billiton mines world map](#)
<http://www.billiton.com/newsite/html/investor/aboutus/where.htm>
[Gulliver File on BHP http://www.sea-us.org.au/gulliver/bhp.html](http://www.sea-us.org.au/gulliver/bhp.html)
[Gulliver File on Gencor/Billiton http://www.sea-us.org.au/gulliver/gencor.html](http://www.sea-us.org.au/gulliver/gencor.html)

Billiton Track Record

[Track Record Links](#)

Mining Mining Impact Coalition of Wisconsin -

Nicolet Minerals Owner, [BHP, Spilled Cyanide at Two U.S. Mines](#) - Research Finds 31 Spills of Hazardous Materials at BHP Mines in U.S.



BHP BILLITON INCREASES INVESTMENT IN COLOMBIAN ENERGY COAL

- BHP Billiton, together with Anglo American plc and Glencore International AG ("the Consortium"), today announced an agreement to acquire all of the ownership interests in International Colombia Resources Corporation ("Intercor") from Exxon Mobil Corporation

- Intercor owns 50 per cent of, and operates, the Cerrejon Zona Norte (CZN) mining operation in Colombia. The other 50 per cent of CZN is owned equally by the Consortium.

- The CZN mine is an open-cut operation currently producing about 19 million tonnes per annum of high-quality energy coal for export to international markets.

- The transaction sale price and terms have not been disclosed for confidentiality reasons.

BHP Billiton today announced that a consortium comprising subsidiaries of BHP Billiton, Anglo American plc and Glencore International AG ("the Consortium") has signed an agreement to acquire all of the ownership interests in International Colombia Resources

Corporation ("Intercor") from Exxon Mobil Corporation.

Intercor owns 50 per cent of the Cerrejon Zona Norte (CZN) mining operation in Colombia, as well as rail and port infrastructure in the region, and is the operator of these assets. The other 50 per cent interest in CZN was acquired by the Consortium from the Colombian Government in November 2000.

Following completion of the transaction, the Consortium will have 100 per cent ownership of CZN. BHP Billiton and the other Consortium members will each have a 33.33 per cent interest in the operation (up from 16.67 per cent interest prior to the acquisition).

The net asset value of Intercor is US\$366 million. The transaction sale price and terms have not been disclosed for confidentiality reasons. The individual members of the Consortium will each fund their pro rata share of the purchase consideration. Subject to the satisfaction of certain conditions, completion is expected to take place within a month.

The CZN mine is an open-cut operation currently producing about 19 million tonnes per annum of high-quality energy coal for export to international markets. CZN has a reserve life of more than 30 years at current production rates. The mine lies 18 kilometres north of Carbones del Cerrejon (CDC), an energy coal mine also owned equally by the Consortium members. Significant operational synergies have been identified that can be released through combining the operations of CZN and CDC.

President BHP Billiton Energy Coal Mike Oppenheimer said the transaction represented another step in realising BHP Billiton's energy coal strategy.

"Extending our Colombian supply position, in conjunction with our partners, is an important component of our strategy for servicing continued strong growth in global markets for seaborne traded coal," he said.

"The Colombian operations are low-cost and have significant expansion potential. Their geographically advantaged position opposite the United States and Europe offers exciting prospects for growing our share of these major energy coal markets and securing full value for our high quality products."

"A key attraction of this acquisition is the combination potential with our existing CDC business and the opportunity for BHP Billiton to become a more active participant in energy coal in this region."

Further information can be found on our Internet site: <http://www.bhpbilliton.com>



This is a dramatic unfolding story about the company that owns the Crandon mine project. Papua New Guinea (PNG) is an independent nation in the eastern half of the island of New Guinea, and is formerly a colony of its southern neighbor Australia. BHP Billiton, the owner of Crandon's Nicolet Minerals Company, is a new Australian/South African conglomerate that has become the world's largest mining company. The Ok Tedi copper mine waste disaster has become to BHP what the Exxon Valdez was to Exxon--a famous international embarrassment. Now the merged company wants to avoid paying liability to fishing communities, but is being stymied in the courts.

PRIVATE POWER

By Simon Divecha
Mineral Policy Institute (Australia)
Znet Commentary
December 18, 2001

In Papua New Guinea a quiet revolution has just taken place, demonstrating the power of major transnational companies, and writing into law what has long been the defacto, and until now not publicly acknowledged, relationship between this country's government and the resource corporations. With legislation presented to the PNG parliament and passed on the same day, PNG has sacrificed its sovereign right to protect its citizens through its legal system, and has passed the power to resolve disputes directly to a company.

It has also agreed to deprive PNG people of their rights to choose their own representatives and allow people, who can be handpicked by a company, to make decisions on behalf of everyone, whether or not the individuals, villages, clans or communities have agreed to this.

The PNG government at the same time granted a full legal indemnity for world scale damage, in return for the modern equivalent of some beads and blankets.

An extraordinary precedent is set for companies to take away the already difficult to enforce rights of poor communities, to privatise even further their profits, and socialise the costs and pain onto some of the poorest people in the world. Today the only things that stand in the way are two court challenges.

Many people may be familiar with BHP Billiton, the world's largest mining/minerals company, and its Ok Tedi copper mine in PNG. In 1984, BHP was allowed to open the mine and to dump 80,000 tonnes of waste directly into the Ok Tedi River every day. This then flows into PNG's second largest river, the Fly River. Not surprisingly the waste is having a devastating impact and the company acknowledges it will kill over two thousand square kilometres of forest along the Fly/Ok Tedi, and cause a possible total collapse of the fishery, in addition to the 70 to 90% of fish that are already dead in the Ok Tedi River.

The damage will force villagers to hunt and fish over larger distances and so make it difficult for them to get enough food to eat. It will probably lead to protein deficiencies, while destroying every sago tree, the staple food, for at least half of Fly River.

The damage is increasing, the waste continues to go into the river every day, and the

devastation will last for the better part of this century at least.

In 1996 30,000 villagers living along the river won a significant victory. After two years of legal action in Australia, during which they had to establish their right to sue in an Australian court, they settled out of court for compensation and the company's commitment that it would stop dumping its waste into the river. By April 2000, with the waste dumping continuing, the villagers were back in court suing BHP for breach of the out of court settlement.

At the same time BHP was looking for the best option, which would minimise its costs. It decided to quit its share of the mine and effectively use the 52% it owns, of a mine which closes in 2010, to buy its way out of trouble by putting it into a 'development trust'.

While much of the decision making processes about how BHP gets out were conducted behind closed doors, a leaked World Bank report found the company review looked at "a limited set of technical options ... that minimises overall risk to shareholders".

It was presenting the least risky options for its shareholders - not, unsurprisingly, options that produced the lowest risk for the people of PNG. As the legal action in Australia jumped over procedural hurdles, BHP merged to become BHP Billiton and remembered some of its old tricks. During the first legal action, the PNG government had passed a law that makes it illegal for PNG nationals to take action against a resource company in an overseas court.

The law, however, had been written by BHP and the electronic word document properties revealed the BHP lawyers as the authors. BHP was found guilty of contempt of court in Australia, although they subsequently squashed the conviction on a technicality.

Back to the present day and two secret documents were in preparation. The first was the Community Mine Continuation Agreement, to be signed by people living along the river.

The second the Mine Continuation Act to be passed by the PNG Parliament. These two documents are BHP's golden payoff, and remove the fundamental right of a country to protect its citizens from the actions of a foreign organisation.

Specifically the Act provides that "neither the State nor any Government Agency may take, pursue or in any way support Proceedings against a BHP Billiton Party in respect of an Environmental Claim relating to the operation of the Project" and that it "may be pleaded by a BHP Billiton party as an absolute bar and defence to any Proceedings taken by the State or a Government Agency in breach of its terms."

At the same time the Community Agreement deprives people living with the impacts of the waste of the same rights.

The agreement "is the complete, final and binding basis on which they agree to support the continuation of the Mine" and they "hereby release and discharge the Company, BHP, the Company's Shareholders and their respective associated corporations, directors, officers, employees and agents and former directors, officers, employees and agents from all and any demands and claims arising directly or indirectly from the operation of the Mine..."

Nobody in the west would sign such an agreement, and certainly would not sign without

independent advice. But the two documents go further ensuring that not only do they deprive people of their common law rights but also will be recognised, whoever signs the agreement, no matter what the status of the person is.

"The signature ... by a person representing or purporting to represent a Community or clan, or that person's delegate, binds all of the members of that Community or clan". This is true even if "there is no express authority for that person to sign or execute the Community Mine Continuation Agreement on behalf of the members of the Community or clan concerned"

This signature also serves to destroy the rights of future generations. It binds "each existing and future member of that person's Community or clan, including, without limitation children and persons who are subsequently born into, or who subsequently join, that Community or clan". In effect the mining company has been able to handpick people to sign away all the rights of everyone living in the area and any future generations.

And just in case anyone suspects bribery or the like, if it happened "representations, inducement or warranties that may have been so given are hereby denied and negated"!

BHP Billiton has pulled off an extraordinary and unprecedented shift by removing the sovereign rights of the PNG state to act for its citizens. It has done so while setting up system for making agreements with anyone the company can choose that are binding, indefinitely, on everyone. In this case a couple of hundred or so people supposedly representing 30,000 plus is regarded as consent for a massive redistribution of rights.

The legislation and agreements also shift responsibilities of the state to a private company. For Ok Tedi Mining, with BHP now removed from directly managing it, the Agreement and Act provides for the "establishment of a regime of environmental monitoring and compliance with which the Company, in the opinion of its Board of Directors, can comply."

In other words the company gets to choose what it wants to monitor and comply with, not the state. Also if damage exceeds the very general criteria in the documents, the company effectively gets to decide the merits of any such claim.

What stands in the way of all this constitutional challenge to the legislation by PNG's first Prime Minister, Sir Michael Somare, and an interim injunction in Australia stopping Ok Tedi mining from getting any more of the needed signatures to the agreement. Both are due to be heard on Tuesday 18 December.

The constitutional challenge rests on the basis that the legislation has removed peoples rights, through unjust deprivation of property, unreasonably justifiable law, breaking the provision for the equality of PNG citizens, removing power from the PNG parliament to legislate, and that it is unjustifiably harsh and oppressive.

The injunction is on the basis that by one person signing the Agreement, all of the people in that community are supposed to opt out of the legal action in Australia, that is the action against BHP for breach of the 1996 settlement.

Ok Tedi is an extraordinary case not just for the scale and impact of one company's damage, but for the excellent documentation and knowledge of a process that has seen a major corporation take as many liberties as it can create and are granted.

From the early days, 1978 and on, there is an excellent record demonstrating that no one should be in any doubt of the problems the mine would cause. While the scale is more massive than imagined, some of the predictions are remarkably accurate.

The ability of the company to circumvent the people within the PNG government trying to hold it to account is also detailed by people involved at the time.

What it could now also represent is the corporation that has slipped from sovereign control - enabling national legislation that specifically recognises and mandates this.

Preventing it is an extraordinary resilient community, a community which signed over 1300 affidavits in just 3 days, stating that the individuals never consented to have their rights removed.

These are also communities where people from remote villages, with no power, phones, faxes, email, newspapers or TV are well aware of the injustices being perpetrated on them.

Three weeks ago, at a meeting in a remote village, hardly anyone was present. Then came a murmur, and the rumble grew louder, until the entire local community poured over the hill in full war paint and traditional dress chanting 'BHP its right to sue, BHP its right to sue...'

Most of the background to the article is or will soon be on the MPI website
<http://www.mpi.org.au/oktedi/analysis.html>

BRIEFS

Author: Joyce Moullakis; Michelle Singer; Mark Skulley; Bill Pheasant

Date: 18 Dec 2001

Words: 565

Publication: Australian Financial Review

Section: News

Page: 7

(snip)

Legal actions in Victoria and Papua New Guinea could result in the closure of the BHP Billiton-controlled Ok Tedi mine, its managing director, Dr Roger Higgins, warned yesterday. The comments came as litigation, brought by Slater & Gordon over BHP Billiton's actions to end its association with the mine, was to resume in Melbourne. Another case, challenging the validity of legislation passed last week in the PNG Parliament to facilitate BHP's exit, will begin in Port Moresby today. Dr Higgins said BHP's preferred option had been to close the mine, but other shareholders and villagers near the mine had wanted it to remain open. Actions which damaged that consent to operate or which created a climate of hostility might end the company's ability to continue to mine and to offer compensation to affected areas, he said. Author: Bill Pheasant

Dear Friends

BHP has suffered a further blow in its attempt to depart the Ok Tedi and mine and seek legal indemnity.

The Victorian Supreme Court, In Melbourne, Australia, today (21/12/01) decided that the company had a serious breach of agreement case to answer (arising from claims by 30,000 Western Province landowners that it has failed to undertake environmental remediations required in a 1995 agreement), and that the full case will commence on February 11th, 2002.

In the meantime an injunction on BHP and OTML's attempts to get landowners to sign Mine Continuation Agreements (MCAs) should be extended until February.

The MCAs are, in effect, opt-out agreements whereby landowners are convinced to withdraw legal action against the mine operators and BHP, and agree for the mine to continue operations.

The Mine Continuation Agreement "is the complete, final and binding basis on which they (landowners) agree to support the continuation of the Mine" and they "hereby release and discharge the Company, BHP, the Company's Shareholders and their respective associated corporations, directors, officers, employees and agents and former directors, officers, employees and agents from all and any demands and claims arising directly or indirectly from the operation of the Mine..."

OTML will have to cease collecting these agreements and cannot use the fact that MCAs have been signed as an inducement to get new people to opt out.

BHP Billiton had hoped to be out of the mine by Jan 1st.

This court decision is an excellent win in the long fight to force BHP Billiton to be accountable to local landowners for its environmental and social damage at the Ok Tedi mine. It frustrates BHP Billiton's efforts to 'cut and run' with legal indemnity for its liabilities, the effect of which is to leave the mine's mess for local landowners and the PNG Government to fix over many generations to come.

Happy Christmas and may the New Year bring even more power to the people!

Geoff Evans
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And from BHP Billiton: <http://www.bhpbilliton.com>

BHP Billiton Announced as World's Most Respected Resources Company

BHP Billiton has been acknowledged as the world's most respected resources company in the annual Financial Times/Price Waterhouse Coopers World's Most Respected Companies Survey. <http://www.bhpbilliton.com/bb/newsCentre/atBHPBillitonDown.jsp?id=News%2F2001%2FNewsatBHPBilliton201201.xml>

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BHP Billiton nears Ok Tedi mine exit

Story by James Regan
REUTERS NEWS SERVICE
AUSTRALIA: December 13, 2001
<http://www.planetark.org/dailynewsstory.cfm?newsid=13700>

SYDNEY - BHP Billiton Plc said yesterday it was in the final stage of pulling out of the Ok Tedi copper-gold mine after the Papua New Guinea government endorsed a plan to turn future mine revenues over to landowners.

BHP Billiton had sought to close the Western Province mine rather than face further environmental litigation over mine waste polluting nearby rivers, but was opposed by minority partners Inmet Corp. of Canada and the Papua New Guinea government.

BHP Billiton's withdrawal was expected on Dec. 13, but could be delayed, Inmet said in a statement from Toronto.

Regarded as a national asset by Papua New Guinea's Prime Minister Sir Mekere Morauta, the government feared closing the mine would devastate the national economy and ruin communities in the province bordering the Indonesian province of Irian Jaya.

The mine accounts for 10 percent of the impoverished South Pacific nation's gross nation product and 20 percent of total exports.

Under the plan, approved 58-2 in a parliamentary vote in Papua New Guinea late this week, BHP Billiton will transfer its 52 percent stake to a newly created Singapore-based company called PNG Sustainable Development Programme next year.

Inmet said it was pleased with the new arrangement. It retains its 18 percent interest, while the PNG government has a 30 percent stake in the mine.

"We believe that this agreement will ensure the long-term continuation of Ok Tedi's operations," said Richard Ross, Inmet's president and chief executive.

Outlining the main elements of the agreement, Inmet said the new company had clearly defined corporate rules for decision-making, distribution of funds and public reporting. BHP Billiton would give financial support to the new company for three years, it added.

It said many senior management staff will be retained at Ok Tedi for the transition to an independently run company. Its board will include a director from each of the SDPC, the government and Inmet, and three independent directors with international mining

backgrounds.

Inmet said Ok Tedi had concluded a three-year \$120 million facility to fund working capital, while BHP would provide a facility to pre-purchase concentrates in the event of a drought.

Mine continuation agreements had been signed with all of the communities affected by the mine, in which Ok Tedi and its shareholders were released from all demands and claims associated with future environmental impacts.

The mine is one of the richest in the southern hemisphere, yielding some 600,000 tonnes of high-grade copper concentrate a year and 15 tonnes of gold, with a loyal customer base in Asia and Europe. Reserves are sufficient to run the mine for at least another decade.

However, BHP Billiton wrote the mine off its books in the 2000-01 fiscal year and no longer includes the output in its production figures.

In 1996, the operating company of Ok Tedi, Ok Tedi Mining Ltd. (OTML) paid 150 million kina (\$39 million) in compensation for damages to villagers whose livelihood relies on fishing the waters of the Ok Tedi and Fly rivers.

"One of the most important developments arising from these negotiations is that upon the exit of BHP Billiton, its shares in OTML would be transferred to a program company that is to be established to promote sustainable development for the benefit of the people of Western Province," Papua New Guinea's minister for mining, Chris Haivetta told the parliament.

Tuesday December 18, 5:14 AM
AUSTRALIA PRESS:

Ok Tedi Warns Legal Moves Threaten Mine

MELBOURNE (Dow Jones)--The Ok Tedi copper and gold mine in Papua New Guinea has warned that legal action over the mine could force its closure, the Australian Financial Review reports Tuesday. Some local landowners are taking legal action in Australia to sue the mine for additional compensation for environmental damage while an agreement for the withdrawal of 52%-owner Australia-based BHP Billiton Ltd. (BHP) from the mine is being challenged in PNG.

According to the paper, Ok Tedi Managing Director Roger Higgins said action against the mine that creates hostility toward it may end the company's ability to keep operating the mine and to offer compensation to affected areas.

Newspaper Web site: <http://www.afr.com>. -By Andrew Trounson; Dow Jones Newswires; 61-3-9614-2664; andrew.trounson@dowjones.com



Outrage At PNG Attempt To Give BHP A Royal Farewell

**Mineral Policy Institute and PNG NGO
Environmental Watch Group Media Release**
Dec. 12, 2001

Port Moresby & Sydney: Papua New Guinean landowners are describing their National Government's attempt to grant mining giant BHP-Billiton a royal farewell from the Ok Tedi mine as the final straw.

After permitting the company to dump 80,000 tonnes of waste a day into the Fly and Ok Tedi river system since 1984 BHP has now been given a final gift from the PNG National Government - an unrestricted legal indemnity for all the pollution and destruction it has already caused and will occur in the future as result of the continuing operation of its Ok Tedi mine. It has precipitated an unprecedented constitutional challenge by former PNG Prime Minister Sir Michael Somare.

Mr Gabia Gagarimabu, the PNG member for South Fly describes the decision as a disgrace.

"The Bill is typical of the way BHP has dictated terms to the PNG Government ever since it came to Papua New Guinea."

"If we let BHP walk away from its environmental and social responsibilities now, Papua New Guinea will come to regret this decision forever".

In an Ok Tedi Mining newsletter from July, landowners were told that the Mine Continuation Agreements would not be finalised until June 2002. Instead it has been rushed through in during December.

PNG NGOs Environmental Watch Group (NEWG) discovered landowners were being induced to sign the Ok Tedi Mine Continuation Agreement. This weekend lawyers working with NEWG visited the Western Province of PNG.

"Based on my conversations with the local people, it is quite clear that in my opinion the people who are signing this agreement do not know what they are signing" said Almah Tararia PNG Environmental Law Centre

"We have been informed by landowners that they have not been told what the Mine Continuation Agreement's effect will be; and those that have not signed it, do not want to sign it", concluded Ms Tararia who visited the Western Province over the weekend.

On Friday December 7, in a late sitting of the Supreme Court of Victoria Mr Justice Bongiorno granted an interim injunction brought on behalf of landowners of the OK Tedi

and Fly River Region to restrain OTML from procuring any "Mine Continuation Agreements".

During the past few days over 1500 landowners from over 50 villages have made affidavits opposing the signing of the Mine Continuation Agreement. The affidavits will inform the Court in Victoria that they did not give any authority to anyone else to sign away their legal rights.

For more information:

Gabia Gagarimabu, from overseas +675 327 7645

Almah Tararia, from overseas +675 323 4480

Igor O'Neill, Mineral Policy Institute, from Australia,
0428 77 5540 or 0405 325 897

■ ■ ■ ■ ■

OK TEDI MINE SHUT DOWN BY BLOCKADE

The Ok Tedi mine is infamous for its massive cyanide contamination; BHP Billiton was forced to close it, but is closing it in a way that avoids environmental responsibility for the cyanide disaster. See background at the Mineral Policy Institute (Australia) at <http://www.mpi.org.au/oktedi/index.html>

November 26, 2001

Media Release From Port Moresby & Sydney:

Landowners blockade BHP's rat run from Ok Tedi A group of women and children landowners have shut down operations at BHP Billiton's Ok Tedi Mine in Papua New Guinea (PNG). The landowners have staged a sit-down, blocking a bridge leading to the mine site, allowing mine workers to leave but not to enter the site. They have been protesting for two days over legislation apparently designed to absolve BHP of it's liability for environmental damage.

Damage from the mine is extremely severe and will last for the better part of this century. It is destroying food, fisheries and the forests on which people living along the Fly River rely.

The BHP Billiton/ PNG government agreement seems designed to absolve the company

of responsibility arising from its polluting Ok Tedi mine. Costs are effectively limited to forgoing the mine's future profits by divesting BHP's share in the mine.

Four landowner leaders wrote a letter to Members of Parliament on Friday warning that if legislation setting the scene for BHP Billiton's liability-free exit from Ok Tedi was passed, they would shut down the mine. The legislation was expected to come before Parliament at this session. It is believed the legislation will exempt BHP from all liability from future damage by the mine's operations.

"BHP owes a lot more than that to the PNG people. People are demanding just and fair compensation, but BHP has resorted to court to avoid these obligations in the past," said Mr. Wep Kanawi, OBE, spokesperson for peak PNG NGO Environmental Watch Group.

Speaking from Port Moresby, Mr Kanawi commented: "BHP has adopted another painful silence. They're not informing the community or the government of their pull-out plans. "

There's talk of a foundation to be based in Singapore - out of the reach of further protests - but no details," Mr Kanawi continued. "There's talk of a line of credit - but will there be hard cash to solve their environmental legacy? BHP owes it to the people of this country to make it's plan clear, but BHP has never been truthful and transparent over Ok Tedi. The problem of the mine is a public one, so the solution should be too. Sadly, it's still the old BHP", he concluded.

"This spontaneous blockade by women and children demonstrates the anger in PNG at BHP's morally bankrupt plan to avoid responsibility for the environmental disaster they have created," said Igor O'Neill, spokesperson for Sydney-based mining watchdog The Mineral Policy Institute. "These people are standing in the way of BHP's desperate flight from the scene of their environmental crime."

For further comment: Igor O'Neill, Mineral Policy Institute, Australia: 0405 325 897
Mr Wep Kanawi, NEWG, Papua New Guinea: (675) 323 0699

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BHP Billiton to Be Targeted for Strikes Worldwide, Paper Says

By Gavin Evans
Sydney, Nov. 15, 2001

(Bloomberg) -- BHP Billiton, the largest miner, faces an international campaign of strikes in response to its dismissal of striking union workers in Mozambique, the Australian Financial Review reported. The decision was taken at a Sydney conference of 80 international metal industry unions, which unanimously called for a campaign of "sympathy strikes," the newspaper said.

The Australian Manufacturing Workers Union is planning a series of stop-work meetings on the Mozambique issue before escalating industrial action, the newspaper said, citing union national secretary Doug Cameron.

The Australian Workers Union, the main union covering BHP's Australian steel plants, is unlikely to join the action, the newspaper said. Cameron said his union will be seeking the support of BHP's coalminers, whose union has a pact with his own.

BHP last month fired 500 workers for taking part in what the company called an illegal strike at its 47 percent owned Mozal aluminum smelter on the outskirts of Maputo, Mozambique's capital.

Claims at the conference that 40 Mozal union leaders were sacked after the strike ended were "misleading and inflammatory," an unnamed BHP spokeswoman said, according to the newspaper. (The Australian Financial Review, 11-15)

Unions target BHP Billiton for work place practice

November 15, 2001

BHP Billiton is set to face an international union campaign over its workplace practices, which unions claim are in breach of core labour standards.

The International Metalworkers Federation (IMF) congress meeting in Sydney today resolved to embark on the union campaign against BHP Billiton.

The congress, which includes some 800 union delegates from around the world, said BHP had a global policy of attempting to undermine workers' and trade union rights.

IMF general secretary Marcello Malentacchi said the federation would establish stronger international links between BHP Billiton unions around the world, including Australia.

Today the congress was briefed on reports that BHP Billiton recently sacked 40 trade union activists in Mozambique in Africa for starting strike action over better pay.

The IMF said police and dogs were used against some 700 workers who took part in the action on October 3. The congress also heard claims that BHP Billiton was disregarding the health of workers employed in Peru in South America who were working 12 hour days in a mine in a mountain more than 4,000 metres above sea level.

Australian Manufacturing Workers' Union (AMWU) national secretary Doug Cameron

said the action of BHP Billiton in Mozambique and Peru was contemptible. But he said things were no better in our own backyard. Cameron said workers in Western Australia had a bitter two-and-a-half-year struggle at BHP Billiton's Pilbara region to stave off union-busting tactics after the company was attempting to get workers onto individual contracts.

The iron ore workers who refused to sign the contracts last week won their victory in the Western Australian Industrial Relations Commission scoring a 20 per cent pay rise.

"BHP Billiton has a global policy to undermine workers' and trade union rights and we in Australia will be joining the international union action against BHP Billiton to put a stop to its abuses of our workers and trade union rights," Cameron said.

The IMF covers metal and manufacturing unions in 75 countries around the world. Comment was being sought from BHP Billiton, Australia.

www.amwu.asn.au click on What's Happening, Companies



BHP Billiton Dismissed Report That It Reinstated Mozal Strikers

By Antony Sguazzin
October 22, 2001

Maputo, Mozambique, Oct. 22 (Bloomberg) -- BHP Billiton Group, the top mining company, dismissed a report that it had taken back the 468 striking workers it fired at an aluminum smelter in Mozambique following government intervention.

Agence France-Presse reported the workers' return, citing a statement by the management of the Mozal smelter in Maputo, 47 percent-owned and operated by BHP. No such statement has been issued, BHP said. The strikers, almost half of Mozal's workforce, were fired this month after demanding better pay and conditions.

"The workers have most certainly not gone back," said Michael Campbell, BHP's spokesman in Johannesburg. The company and worker representatives almost reached an agreement that would have restored them on Saturday, and they have until Nov. 5 to appeal their dismissal, he added.

BHP's labor relations in South Africa are also deteriorating. Some 1,400 workers have been striking for nearly two weeks at the company's ferrochrome-producing associate Samancor Ltd., and union leaders have threatened to mount sympathy walkouts at the

biggest miner's aluminum smelters.

BHP shares fell as much as 8 pence, or 2.6 percent, to 296p in London, where they have gained 15 percent this year.

This article is from <http://quote.bloomberg.com>



National Union of Metalworkers of South Africa (Numsa)

BHP Billiton Interdict Sympathy Strike As 300 Workers Arrested

24 October 2001

Johannesburg http://www.numsa.org.za/press/pressrel24102001_01.htm

BHP Billiton, the London-based company, interdicted 2 000 workers at Hillside (Richard Bay), Alusaf Bayside (Richards Bay) who are supposed to commence with their solidarity/ sympathy strike action tomorrow 25/10/2001. The urgent court interdict is currently being heard at the Durban labour court. The solidarity strike is in support of the two week strike by workers at Samancor in Witbank and Middelburg. The strike is over workers' demand for a 15 % wage increase. The interdict is based on the false view that BHP Billiton has no links with the current striking Samancor companies. As a union we have evidence that they are related.

The solidarity strike which will commence tomorrow will involve close to 8 000 workers in the companies owned by BHP Billiton at Alusaf Hillside and Bayside in Richards Bay, Highveld Steel in Witbank, Columbus Stainless Steel in Middelburg, Samancor in Meyerton, Palmiet and MMC in Krugersdorp.

The continuing strike at Witbank has resulted into the arrest of 300 workers. It is alleged that they were involved in the burning of a delivery vehicle. Numsa will give further information, as more facts become available. The union is disgusted by the conduct of the BHP Billiton company in using the police and the courts to settle a legitimate strike. They are failing to broker a settlement but instead are treating a protected strike as a crime. Numsa is of the view that striking workers are provoked, harassed and intimidated by the presence of the South Africa Police Service. The company's calling of police to blockade the gates was the cause of tension and conflict. The company contravened the picketing rules and the Labour Relations Act by calling the police. The use of police in industrial disputes is unnecessary and counter-productive to the establishment of constructive industrial relations, which is the key to harmonious labour stability. The company has not been willing to comprehend union proposals in the current strike and has not respected labour legislation.

The strike will be protracted because the three days meeting failed to yield a positive result. There is no will on the part of the company to negotiate demands for parties to

resolve the current impasse. The company wants to down-grade workers conditions and attack health benefits.

So far, the efforts to resolve the impasse have been unsuccessful because the company is harbouring grudges and contravening the medical Act.

It is not easy to find an amicable resolution to the strike because the BHP Billiton has a culture of union bashing. Our struggle against BHP Billiton group is to end bullish mentality and ignorance of the past. The BHP Billiton management is offering a measly 5,5% percent wage increase for all workers and rejecting all demands.

Numsa's Demands :

A wage increase of 15% across the board.

A two- year wage agreement.

Moratorium on retrenchments and outsourcing.

Stopping downward variation of conditions of employment.

SWOT analysis to be done by independent consultant to

determine the short and long term effect of the medical aid policy.

For more information contact Dumisa Ntuli

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BHP Billiton Applies for Court Order to Block S. African Strike

By Godfrey Mutizwa
October 24, 2001

Johannesburg, Oct. 24 (Bloomberg) -- BHP Billiton, the biggest mining company, said it has applied for a court order to stop a planned strike at its South African aluminum and manganese plants.

As many as 3,000 workers at two aluminum smelters in the eastern port of Richard's Bay and a manganese plant at Meyerton south of Johannesburg, plan to down tools from tomorrow in support of 900 striking workers at BHP's ferrochrome operations.

"We do not believe that a call for a sympathy strike tomorrow is legal because the call is for the aluminum industry which is not a connected industry to the current strike in the chrome industry," said Michael Campbell, a spokesman for the company.

Tomorrow's planned strike also will involve workers at seven other companies owned by BHP, NUMSA said in a statement. The workers are demanding wage increases of 15 percent, while the company has offered 5.5 percent, said the National Union of Metalworkers of South Africa.

"The strike will be protracted because a three-day meeting failed to yield a positive result," NUMSA said. "There is no will on the part of the company to negotiate." The case is being considered by a labour court in Durban.

Meantime police arrested 300 of the striking workers at BHP's Witbank ferrochrome operations on charges of burning a delivery vehicle, the union said.

BHP, which has 17 percent of its assets in South Africa, fired 500 workers who tried to strike for better pay at its 47 percent-owned Mozal aluminum smelter in Mozambique earlier this month.

The chrome and manganese operations are part of Samancor Ltd., a venture 60 percent owned by BHP with the rest held by No. 2 miner Anglo American Plc.

This article is from <http://quote.bloomberg.com>



BHP, Anglo American Face Strikes at South African Steel Units

By Antony Sguazzin
October 31, 2001

Johannesburg, Oct. 31 (Bloomberg) -- BHP Billiton and Anglo American Plc, the top two mining companies, said workers at South African steel subsidiaries have downed tools in sympathy with 900 chrome workers striking over pay for the past three weeks.

Union members walked out at Highveld Steel & Vanadium Corp., South Africa's No. 2 steelmaker controlled by Anglo, and Columbus Stainless, which Anglo and BHP jointly own two-thirds of, Anglo said.

The National Union of Metalworkers of South Africa "served notice yesterday that they would begin a strike today," said Marion Dixon, a company spokeswoman in Johannesburg. "That has happened."

For BHP, the actions are the latest sign of deteriorating relations with southern African trade unions. The biggest miner fired 500 strikers at a Mozambican aluminum smelter this month, and has had to fend off sympathy strikes by Numsa at South African aluminum facilities in the courts.

Numsa put the number of strikers at around 14,000 -- 6,000 at Highveld and its subsidiaries and 8,000 at Columbus and related enterprises. Dixon said Highveld only employs 4,500 staff altogether.

Columbus is one of the world's biggest stainless steel mills. The striking chrome workers are employed by Samancor Ltd., a joint venture between BHP and Anglo.